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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,326	01/14/2002	Laurent Rouillet	Q68075	6676
23373	7590	02/05/2008	EXAMINER	
SUGHRUE MION, PLLC			QURESHI, AFSAR M	
2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800				
WASHINGTON, DC 20037			ART UNIT	PAPER NUMBER
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			02/05/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/043,326	ROULLET ET AL.
	Examiner Afsar M. Qureshi	Art Unit 2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 January 2008.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

1. This Office Action is responsive to Amendment/REMARKS received on 1/10/2008. Amendment to Claim 1 is made of record.
2. Examiner note an error (Office Action, dtd. 9/10/2007) in paragraph 4, where claims 2, 3, 5 and 6 were rejected under 35 USC 103(a). The Form paragraph reads as "4. Claims 2, 3, 5 and 6 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Feldman in view of Thiesfeld (US 6,529,971)".

The corrected Form paragraph is, "4. Claims 2, 3, 5 and 6 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Feldman and Wright, as in claim 1 above, and in further view of Thiesfeld (US 6,529,971)".

***Response to Arguments***

3. Applicant's arguments, filed 1/10/2008, have been fully considered but they are not persuasive.

On page 7, Applicant requested to make the next Office Action as 'Non-Final' should the Form paragraph (see paragraph 2 above) be corrected to include 'Wright'. However, Examiner believes, it was a typographical error, 'Wright '749' reference was already included in the rejection. Since no new prior art reference is introduced in the following rejection, it is proper, for the Examiner, to make it a Final rejection'.

On page 6, Applicant argued that "empty information cells", as claimed, are different from "silence code" cited by the Examiner. A silence code, as argued by the

Applicant, "can be issued to reproduce silence or low level noise during a voice communication, when the principle signal is a voice signal". However, there is no specific description of "empty cell" either in the Specification or in the above dated Argument/REMARKS. Upon further search, Examiner found a prior definition of empty cell whereby an "empty-cell or blank cell" contains specified sequence bits representing that the cell is a blank cell and can be inserted in the transmitted stream of ATM-cells, the empty cell or silent cell can be dropped or duplicated according to the detected state of buffer (Engdahl, US 6,876,666).

In the absence of a specific and distinct definition of "empty cell", Examiner broadly interpreted the same as equivalent to a 'silence code'. (Engdahl, US 6,876,666, is used in Response to Argument only and not made part of rejection).

On page 6, Applicant argued that Examiner is being inconsistent in alleging that the comparator 25 allegedly corresponds to the claimed steam analyzer of the 'Telecommunications satellite' (figure 2), (referred to as "claimed Relay" in the REMARKS, Also, in the Specification, page 5, lines 13-28, Applicant admitted it to be 'known art').

As pointed out in the rejection of claims 1 and 4 (paragraph 3, Office Action dated 9/10/2007), figs. 2 and 5, as being relay for use in telecommunication equipment. Both stations are functionally disclosed as earth stations (see Feldman '000, col. 2, lines 45-52).

Based on the above response, Examiner maintains rejection as below:

***Drawings***

4. Figure 1 is objected to. Figure 1 is disclosed as illustrating the background to the invention (see Specification page 5, lines –8), and, should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman (US 6,393,000) in view of Wright et al. ("Wright") (US 6,512,749).

Claims 1 and 4.

Feldman discloses a network station 4, a *relay for use in telecommunication equipment* (figs. 2 and 5, earth stations), receiving information streams from PSTN 2, consisting of signal and data (D and V) including 'silence code' (*empty cells*), a packet data interface unit 12 (*mixer*) detects the silence code received from codec 10. Codec 10 comprising a stream analyzer 46 (fig. 3) analyzing information stream (see col. 3, lines 60 through col. 4, lines 1-5). Comparator 25 stores cell information (*memory*). Mixer 22 (fig. 5) extracts identifying code ID (*waiting cells*) from comparator 25, based on the match, the comparator 25 closes a data switch 26 and the decoder outputs the data (i.e., the combined function of switch 26 works as *transmitter*) (see col. 4, lines 23-56).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2, 3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feldman and Wright as in claim 1 above and further in view of Thiesfeld (US 6,529,971).

In addition to the limitations discussed above in the rejection of claims 1 and 4, Feldman discloses time sequence functionality (see col. 5, lines 43-50). However,

Feldman is silent about a relay with a Deleter, as in claims 2 and 5 and Mixer adapted to function of time scheduling rules.

Thiesfeld, in the field of transmission of information signal, discloses and adaptive elasticity first-in, first-out (FIFO) buffer, with a control circuit monitoring deletion in the FIFO buffer that is also a *deleter*. The FIFO buffer 316 stores the word from decoders 314, a state machine 365 controls a read/write pointers to maintain the first-in, first-out logic and to provide *fill words* (see Abstract and col. 6, lines 23 through col. 7, lines 1-2).

Therefore, it would have been obvious to one having ordinary skill in the art, at the time of invention, to be able to modify Feldman (see fig. 5) by incorporating FIFO buffer including state machine 365 of Thiesfeld to enable a mixer (or decoders) to choose waiting cells in time scheduling fashion. By incorporating FIFO, as above, will reduce the interference between the signals and enhance the transmission of information signals desired by Feldman (see col. 2, lines 14-22).

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M. Qureshi whose telephone number is (571) 272 3178. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Field Lynn can be reached on (571) 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
AFSAR QURESHI  
PRIMARY EXAMINER  
2/4/2008